



LAW OFFICE OF Z. TAN PLLC

39-07 PRINCE STREET, SUITE 3B
FLUSHING, NEW YORK 11354
T: 718.886.6676 F: 718.679.9122
group@ncny-law.com

June 28, 2022

Via ECF

Hon. Valerie Figueredo, U.S.M.J.
Daniel Patrick Moynihan
United States Courthouse, Courtroom 17A
500 Pearl Street
New York, NY 10007

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 6-29-2022

The deadline to file the settlement agreement is extended until July 29, 2022.

Re: Case Name: Morales Campos et al. v. Up Thai Corp. et al.
Case Number: 1:19-cv-04730

Dear Judge Figueredo:

We represent the following defendants, Up Thai Corp. d/b/a Tung Thong 181, Jirapat Puttanawong, (collectively “Defendants”) in the above subject action. We write to you request another extension to file the settlement agreement to July 29, 2022.

This is a typical wage and hour case. But the settlement process is anything but typical. Parties reached a settlement in principal prior to the global COVID-19 pandemic. However, one of the individual plaintiffs passed away in January 2020, inevitably complicating the settlement process.

First of all, it took a while for the surrogate’s court to appoint the decedent’s sister as the administratrix on September 30, 2021. While the parties were still amendable to continue the settlement process, the estate’s lack of liquidity rendered it difficult to shoulder the 50% of the settlement amount it originally agreed. After good faith negotiation, Defendant Jirapat Puttanawong finally agreed to be responsible for the entirety of the settlement payment in exchange of the assignment of the restaurant lease.

Then unfortunately Omicron set in and somewhat derailed the lease assignment process because the valuation of the lease was called into question as a result of yet another downturn in restaurant business. When finally parties agreed on the valuation of the remainder of the lease term, the landlord, whose consent is required for any lease assignment, became irresponsive to any inquiry since late February. I learnt that he was sick and was unable to reach him until early June, when the landlord’s daughter responded. I was told that she would be responsible for this matter. Within days, we agreed on the business terms of a lease assignment and assumption. We were hopeful and that’s when we sought an extension of two (2) weeks on June 10, 2022.

However, the landlord's daughter did not feel comfortable working off the draft I circulated in February 2022 and would like to start with her own attorney. We are still waiting for the draft as of today.

We will circulate the draft as soon as we receive it from the landlord's attorney. The estate's attorney Bruce Fenton is on board and will cooperate once an assignment and assumption of lease is prepared. Therefore, we are hopeful that parties can bring this matter over the finishing line by the end of July.

Thank you for your time and consideration.

Very truly yours,

/s/Bingchen Li
Bingchen Li